

14230
020304

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| UTILITY PATENT APPLICATION TRANSMITTAL (CLAIMING BENEFIT TO PROVISIONAL APPLICATION) (New Nonprovisional Application Under 37 CFR § 1.53(b)) | Attorney Docket No. 15437-0600 |
|---|--|

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Ozgur C. Leonard, et al., entitled MULTI-LEVEL COMPUTING RESOURCE SCHEDULING CONTROL FOR OPERATING SYSTEM PARTITIONS, for a(n):

- (X) Original Patent Application that claims the benefit of prior U.S. Provisional Application 60/469,558, filed May 9, 2003.
 A statement claiming priority under 35 USC § 119(e) has been added to the specification.

- () Continuing Application (prior application not abandoned):

Continuation Divisional Continuation-in-part (CIP)
of prior application No: _____ Filed on: _____

A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

Specification 35 Total Pages; Drawing(s) 9 Total Sheets; Cover Sheet 1 Page
 Oath or Declaration: 5 Pages

A Newly Executed Combined Declaration and Power of Attorney:

Signed. Unsigned. Partially Signed.

A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference in its entirety for all purposes.

Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

Power of Attorney. Return Receipt Postcard.

Associate Power of Attorney. A Check in the amount of \$1,206.00 for the Filing Fee.

Preliminary Amendment. Information Disclosure Statement and Form PTO-1449.

Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

A Duplicate Copy of this Form for Processing Fee Against Deposit Account.

A Certified Copy of Priority Documents (if foreign priority is claimed).

Applicant(s) is entitled to small entity status. See 37 CFR 1.27.

Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.

Recordation of Assignment Cover Sheet and executed Assignment.

Other: _____

22387 U.S.PTO
10/771827

020304

| CLAIMS AS FILED | | | | |
|---|-----------|-----------|------------------|------------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
| Total Claims | 42 | 22 | \$18.00 | \$ 396.00 |
| Independent Claims | 3 | 0 | \$86.00 | \$ 0.00 |
| Multiple Dependent Claims (if applicable) | | | | \$0.00 |
| Assignment Recording Fee | | | | \$40.00 |
| Basic Filing Fee | | | | \$770.00 |
| | | | Total Filing Fee | \$1,206.00 |

Charge \$_____ to Deposit Account 50-1302 pursuant to 37 CFR § 1.25. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Kirk D. Wong, Reg. No. 43,284

Date: February 3, 2004

Correspondence Address:

CUSTOMER CODE

29989

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By: *Annette Jacobs*
Typed Name: Annette Jacobs
Express Mail Label No.: EV323351621US
Date of Deposit: February 3, 2004

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FEE TRANSMITTAL

for FY 2004

Patent fees are subject to annual revision,
 Small Entity payments must be supported by a small entity statement,
 otherwise large entity fees must be paid. See Forms PTO/SB/09-12
 See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ 1,206.00)

Complete if Known

| | |
|----------------------|--------------------------|
| Application Number | NYA |
| Filing Date | February 3, 2004 |
| First Named Inventor | Ozgur C. Leonard, et al. |
| Examiner Name | NYA |
| Group/Art Unit | NYA |
| Attorney Docket No. | 15437-0600 |

METHOD OF PAYMENT (check one)

1. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number 50-1302

Deposit Account Name Hickman Palermo Truong & Becker, LLP

2. Payment Enclosed:

Check Money Order Other

3. Applicant(s) is entitled to small entity status.
See 37 CFR 1.27.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|-----------------|---|
| 1051 | 130 | 2051 | 65 Surcharge – late filing fee or oath |
| 1052 | 50 | 2052 | 25 Surcharge – late provisional filing fee or cover sheet. |
| 1053 | 130 | 1053 | 130 Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 For filing a request for reexamination |
| 1804 | 920* | 1804 | 920* Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 Extension for reply within first month |
| 1252 | 420 | 2252 | 210 Extension for reply within second month |
| 1253 | 950 | 2253 | 475 Extension for reply within third month |
| 1254 | 1,480 | 2254 | 740 Extension for reply within fourth month |
| 1255 | 2010 | 2255 | 1005 Extension for reply within fifth month |
| 1401 | 330 | 2401 | 165 Notice of Appeal |
| 1402 | 330 | 2402 | 165 Filing a brief in support of an appeal |
| 1403 | 290 | 2403 | 145 Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 Petition to revive – unavoidable |
| 1453 | 1330 | 2453 | 665 Petition to revive – unintentional |
| 1501 | 1330 | 2501 | 665 Utility issue fee (or reissue) |
| 1502 | 480 | 2502 | 240 Design issue fee |
| 1503 | 640 | 2503 | 320 Plant issue fee |
| 1460 | 130 | 1460 | 130 Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 Petitions related to provisional applications |
| 1806 | 180 | 1806 | 180 Submission of information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 Recording each patent assignment per property (times number of properties) |
| 1809 | 770 | 2809 | 385 Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 770 | 2810 | 385 For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other fee (specify) | | | |
| Other fee (specify) | | | |
| SUBTOTAL (1) | (\$ 770.00) | SUBTOTAL (3) | (\$ 40.00) |

SUBMITTED BY

| | | | | | |
|-------------------|--------------|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Kirk D. Wong | Registration No. (Attorney/Agent) | 43,284 | Telephone | (408) 414-1080 |
| Signature | | | | Date | February 3, 2004 |

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SUN040016NP

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**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | |
|----------------------|---|
| First Named Inventor | Ozgur C. Leonard, et al. |
| Title | Multi-Level Computing Resource Scheduling Control for Operating System Partitions |
| Atty. Docket Number | 15437-0600 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 3, 2004

Date



Signature

Kirk D. Wong (Reg. No. 43,284)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450